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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application of: | Werling et al. |) |
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| Serial No.: | 10/035,821 |) Art Unit: 1615 |
| | |) |
| Filed: | October 19, 2001 |) Examiner: Simon J. Oh |
| | |) |
| Title: | METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH |) Confirmation No. 2470 |
| | |) |
| | |) |
| Docket No.: | CPIFT-5657A-1 CIP 1 |) |

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


This is a Response to the Office Action mailed December 8, 2004.

The Examiner rejected claims 1-46 and 49-64 as being unpatentable over Claims 1-108 of U.S. Patent No. 6,607,784. The Examiner provisionally rejected claims 1-46 and 49-64 as being unpatentable over Claims 1-15 and 18-21 of copending Application No. 09/874,499; Claims 1-99 of copending Application No. 09/874,637; Claims 1, 3-73, 75-77, and 110-118 of copending Application No. 09/953,979; and Claims 1-97 of copending Application No. 10/021,692.

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Applicants submit herewith a Terminal Disclaimer disclaiming the terminal portion of any patent issuing in the present application that would extend beyond the term of the above-referenced patent and applications. The submission of the Terminal Disclaimer is believed to moot the Examiner's rejection of the claims. Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael C. Mayo", written in a cursive style.

Michael C. Mayo
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